

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PANDA RESTAURANT GROUP, INC.

Plaintiff,

v.

PANDA 1 EXPRESS, INC., and
SAMUEL HE HUANG,

Defendant.

Civil Action No: 2:09-cv-10384

Hon. John Corbett O'Meara

CONSENT DECREE AND INJUNCTION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective attorneys, as follows:

1. This Court has personal jurisdiction over the defendants, Panda 1 Express, Inc. and Samuel He Huang (hereinafter jointly referred to as "PANDA 1"), and has jurisdiction over the subject matter of this action.

2. PANDA 1 agrees that Panda Restaurant Group, Inc. ("Panda RG") is the owner of U.S. Trademark Registration Nos. 1,516,769, 1,991,081, 1,741,866, 2,018,848, 1,575,742, 1,708,093, 1,707,360, 2,430,444 and 2,501,422 (the "Panda RG Trademarks").

3. PANDA 1 agrees that the Panda RG Trademarks are valid and enforceable, and that PANDA 1, as well as its officers, directors, agents, servants and employees agree not to challenge the validity or enforceability of any of the Panda RG Trademarks, or directly or

indirectly assist or participate in any action contesting the validity or enforceability of any of the Panda RG Trademarks, except as required by Court Order or subpoena.

4. PANDA 1., including its officers, directors, agents, servants, employees, attorneys, and all others in active concert or participation with them, are hereby permanently enjoined from the following:

- a. Any use of any of the Panda RG Trademarks;
- b. Within ninety (90) days from the date of this Order, from using PANDA, PANDA EXPRESS or a Panda Bear logo in any manner; and
- c. Any use of any other name, symbol, logo, or mark that is confusingly similar to, or a colorable imitation of, PANDA, PANDA EXPRESS or a Panda Bear logo.

5. This Consent Decree and Injunction are subject to and pursuant to the terms and conditions of a Settlement Agreement executed by both PANDA 1 and Panda RG.

6. This Court shall retain jurisdiction over this matter for any enforcement issues related to this Consent Decree and Injunction, and the accompanying Settlement Agreement.

7. The terms of this Consent Decree and Injunction shall bind PANDA 1 and its successors in office, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them.

8. Each party shall bear its own costs and attorney fees. No party is awarded damages.

SO ORDERED:

Date: April 21, 2009

s/John Corbett O'Meara
United States District Judge

AGREED TO AND ACCEPTED BY:

DICKINSON WRIGHT PLLC

By: 

JOHN A. ARTZ (P 24679)

JOHN S. ARTZ (P 48578)

THOMAS E. DONOHUE (P 57089)

38525 Woodward Avenue, Suite 2000

Bloomfield Hills, MI 48304-5092

(248) 433-7200

Attorneys for Plaintiff

BEN T. LIU

By: 

Ben T. Liu (P27467)

725 S. Adams, Suite 295

Birmingham, MI 48009

(248) 642-4033

Counsel for Defendants

PANDA 1 EXPRESS

By: 

(Print)

Title: president

SAMUEL HE HUANG

In Individual Capacity



Samuel He. Huang